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6 Attorneys for Plaintiff Adobe
7 Systems Incorporated

8
9 UNITED STATES DISTRICT COURT
10 NORTHERN DISTRICT OF CALIFORNIA (SAN JOSE DIVISION)

11 Adobe Systems Incorporated,)	Case No. C08-2435 RMW
)	
12 Plaintiff,)	REQUEST TO CONTINUE CASE
13 v.)	MANAGEMENT CONFERENCE
)	
14 Christopher Cain, an individual and d/b/a)	
www.ascendancygroup.com and Does 1 through)	
15 10, inclusive,)	
)	
Defendants.)	

16
17 PLAINTIFF Adobe Systems Incorporated ("Adobe" or "Plaintiff") by and through its
18 counsel of record, Nicole L. Drey, of J. Andrew Coombs, A P.C., hereby requests as follows:

19 WHEREAS the Court set the Scheduling Conference in the above-captioned matter on
20 August 22, 2008, at 10:30 a.m.;

21 WHEREAS Defendant was served on or about June 5, 2008;

22 WHEREAS Plaintiff filed the Proof of Service on or about July 8, 2008;

23 WHEREAS Defendant's answer was due on or about July 5, 2008;

24 WHEREAS Defendant has not filed an answer or otherwise responded to the Complaint;

25 WHEREAS Defendant contacted Plaintiff's counsel on or about July 16, 2008, seeking to
26 resolve this matter;

1 WHEREAS Defendant has not responded to Plaintiff since his initial contact, despite
2 several follow-up attempts seeking disclosures necessary to engage in meaningful settlement
3 negotiations;

4 WHEREAS Plaintiff filed its Request for Entry of Default on or about August 4, 2008;

5 WHEREAS Plaintiff is currently awaiting the Clerk's Entry of Default before beginning to
6 prepare its Motion for Default Judgment;

7 WHEREAS there have been no prior continuances requested by the Parties; and

8 NOW, THEREFORE, Plaintiff requests that the Case Management Conference in the above
9 captioned matter be continued until November 7, 2008, or a date thereafter acceptable to the Court.
10

11 Dated: August 5, 2008

J. Andrew Coombs, A Professional Corp.

12 By: 
13 J. Andrew Coombs

14 Nicole L. Drey

15 Attorneys for Plaintiff Adobe Systems Incorporated
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PROOF OF SERVICE

I, the undersigned, certify and declare that I am over the age of 18 years, employed in the County of Los Angeles, and not a party to the above-entitled cause. I am employed by a member of the Bar of the United States District Court of California. My business address is 517 East Wilson Boulevard, Suite 202, Glendale, California 91206.

On August 6, 2008, I served on the interested parties in this action with the:

- **REQUEST TO CONTINUE CASE MANAGEMENT CONFERENCE**
- **[PROPOSED] ORDER GRANTING CONTINUANCE OF CASE MANAGEMENT CONFERENCE**

for the following civil action:

Adobe Systems Incorporated v. Christopher Cain, et al.

by placing a true copy thereof in a sealed envelope. I am readily familiar with the office's practice of collecting and processing correspondence for mailing. Under that practice it would be deposited with the United States Postal Service on the same day with postage thereon fully prepaid at Glendale, California in the ordinary course of business. I am aware that on motion of the party served, service presumed invalid if postal cancellation date or postage meter is more than one day after date of deposit for mailing in affidavit.

Christopher Cain, an individual and
d/b/a www.ascendancygroup.com
89 Davis Ave.
Staten Island, NY 10310

Place of Mailing: Glendale, California
Executed on August 6, 2008, at Glendale, California


Katrina Bartolome

1 J. Andrew Coombs (SBN 123881)
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9 UNITED STATES DISTRICT COURT
10 NORTHERN DISTRICT OF CALIFORNIA (SAN JOSE DIVISION)

11 Adobe Systems Incorporated,) Case No. C08-2435 RMW
12)
13 Plaintiff,) [PROPOSED] ORDER GRANTING
v.) CONTINUANCE OF CASE
14) MANAGEMENT CONFERENCE
Christopher Cain, an individual and d/b/a)
15 www.ascendancygroup.com and Does 1 through)
10, inclusive,)
16 Defendants.)

17 On or about June 7, 2008, the Court set a Case Management Conference on August 22,
18 2008 at 10:30 a.m.

19 Plaintiff thereafter filed its request to continue the Case Management Conference to allow
20 sufficient time to allow the Clerk to enter Defendant's default and for Plaintiff to file and be heard
21 on a motion for default judgment.

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1 In light of the request, the Case Management Conference currently on calendar for August
2 22, 2008 at 10:30 a.m., is continued until _____, at _____.

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4 IT IS SO ORDERED:

5
6 Dated:

7 Hon. Ronald M. Whyte
United States District Judge, Northern District of
8 California

9 PRESENTED BY:

10 J. Andrew Coombs, A Professional Corp.

11 By: Nicole L Drey
12 J. Andrew Coombs
Nicole L. Drey
13 Attorneys for Plaintiff Adobe Systems Incorporated

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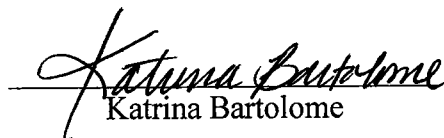
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